


United States District Court

for the

Eastern District of Arkansas

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

OCT 22 2007

JAMES W. MCCORMACK, CLERK
By:  DEP. CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Brittany Nicole Garner

Case Number: 4:06CR00352-003 SWW

Name of Sentencing Judicial Officer: Honorable Susan Webber Wright
United States District Judge

Offense: Conspiracy to make and pass counterfeit currency

Date of Sentence: September 13, 2007

Sentence: 3 years probation, 100 hours of community service, DNA, mandatory drug testing, and \$100 special penalty assessment

Type of Supervision: Probation

Date Supervision Commenced: September 13, 2007
Expiration Date: September 12, 2010

Asst. U.S. Attorney: Marsha Clevenger

Defense Attorney: Jerome Kearney

U.S. Probation Officer: Brent J. Young
Phone No.: 501-604-5284

PETITIONING THE COURT

To modify the conditions of supervision as follows:

Defendant shall participate, under the guidance and supervision of the U.S. Probation Officer, in a substance abuse treatment program which may include testing, out-patient counseling, and/or residential treatment. Further, defendant shall abstain from the use of alcohol throughout the course of treatment.

CAUSE

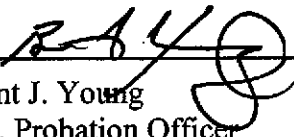
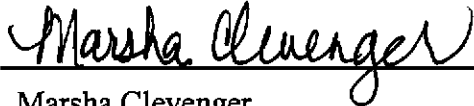
On October 5, 2007, Ms. Garner submitted a urine sample which was confirmed positive for marijuana and cocaine by Kroll Laboratories. On October 17, 2007, Ms. Garner signed an admission of drug use form stating she used cocaine on October 13, 2007, and marijuana on October 16, 2007. Ms. Garner requested she be allowed to enter residential substance abuse treatment to help with her drug addiction. Ms. Garner also stated that she is four months pregnant and she needs substance abuse treatment to help herself and her baby.

On October 17, 2007, Ms. Garner signed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation. During a telephone conversation the same day, Assistant Federal Public Defender Jerome Kearney stated he had no objections to the modification.

Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

Name of Offender: Brittany Nicole Garner

Case Number: 4:06CR00352-003 SWW


Brent J. Young
U.S. Probation OfficerDate: October 17, 2007
Marsha Clevenger
Assistant U.S. AttorneyDate: 10-17-07

This form is to be filed with Criminal Docketing as a motion.


THE COURT ORDERS:

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer10/22/07
Date

This form is to be filed with Criminal Docketing as an order and/or petition.

Approved:


Supervising U.S. Probation Officer

BJY/jkr

c: Assistant Federal Public Defender, Jerome Kearney, 1401 West Capitol Avenue, Suite 490, Little Rock, AR 72201
Assistant U.S. Attorney, Marsha Clevenger, P.O. Box 1229, Little Rock, AR 72203

PROB 49

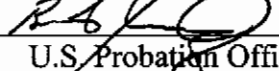
Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

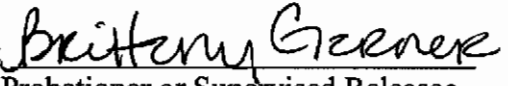
UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF ARKANSAS

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Defendant shall participate, under the guidance and supervision of the U.S. Probation Officer, in a substance abuse treatment program which may include testing, out-patient counseling, and/or residential treatment. Further, defendant shall abstain from the use of alcohol throughout the course of any treatment.

Witness: 
U.S. Probation Officer

Signed: 
Probationer or Supervised Releasee

10/17/07
DATE